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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,972	01/22/2001	Thomas Paul Gelda	V200-0035	1382

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EXAMINER

MORROW, JASON S

ART UNIT PAPER NUMBER

3612

DATE MAILED: 03/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Jan. 16

Office Action Summary

Application No.

09/766,972

Applicant(s)

GIELDA, THOMAS PAUL

Examiner

Jason S. Morrow

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-11 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-11 and 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the supplemental appeal brief filed on 12/5/03, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 5, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. in view of Hesch and Farmer.

Sato et al. discloses a thermally energy efficient vehicle comprising a vehicle structure (shown in figure 22), wherein the vehicle structure includes generally interconnected structural members that form a frame for the vehicle and generally planar interconnected panels that define

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a shape of the vehicle and an energy efficient thermal management system providing exterior thermal management for powertrain cooling within an engine compartment (column 23, line 61, a radiator) and interior thermal management (column 23, line 61, an air conditioning condenser) for climate control within an occupant compartment of the vehicle, wherein the energy efficient thermal management system consumes less thermal energy as a result of the increased thermal resistance of the vehicle. A thermally efficient structural material (aluminum, column 9, line 32) is utilized for a structural member to reduce a thermal mass of the structural member. A thermal energy consumption capacity of the energy efficient thermal management system is reduced by increasing the thermal resistance of the vehicle (an inherent consequence of having a more energy efficient vehicle is that a thermal energy management system would consume less energy).

Sato et al. does not disclose the use of a low transmittance glass window.

Farmer et al. teaches the use a low transmittance glass window made of a glass/polycarbonate composite positioned within a vehicle structure, wherein the low transmittance glass window increases a thermal resistance of the vehicle.

It would have been obvious to one of ordinary skill in the art to modify a vehicle, such as that disclosed by Sato et al., to include a low transmittance glass window positioned within a vehicle structure, wherein the low transmittance glass window increases a thermal resistance of the vehicle, as taught by Farmer et al., in order to reduce the amount of heat in the vehicle on hot days (Farmer et al., column 1, lines 28).

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Sato et al. and Farmer et al. disclose all the limitations of the claims, as applied above, except for an energy efficient insulator attached to a portion of the vehicle structure to increase a thermal resistance of the vehicle.

Hesch teaches an energy efficient insulator (9) attached to a portion of a vehicle structure to increase a thermal resistance of a vehicle, the insulator providing a thermal and acoustic barrier and being gas-filled (filled with air, a necessary consequence of being a foam).

It would have been obvious to one of ordinary skill in the art to modify a vehicle, such as that above, to include an energy efficient insulator attached to a portion of the vehicle structure to increase a thermal resistance of the vehicle, the insulator providing a thermal and acoustic barrier and being gas-filled, as taught by Hesch, in order to reduce the energy consumption of the vehicle (Hesch, column 2, lines 23-25).

4. Claims 6-9, 11, 13, 14, and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al., Farmer et al., and Hesch, as applied to claims 1, 2, and 10 above, and further in view of Lisec.

Sato et al., Farmer et al., and Hesch disclose all the limitations of the claims above, except for the low transmittance glass window including two parallel sheets of glass separated by an air gap.

Lisec teaches the use of a glass window including two parallel sheets of glass separated by an air gap (figure 5).

It would have been obvious to one of ordinary skill in the art to modify a vehicle, such as that above, to include a glass window including two parallel sheets of glass separated by an air

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gap, as taught by Lisec, in order to provide the vehicle with good sound and thermal insulating properties (Lisec, column 1, lines 38-44).

Re claims 8 and 16, Sato et al., Farmer et al., Hesch, and Lisec, disclose all the limitations of the claims, as applied above, except for the use of a desiccant material between the parallel sheets of glass.

The use of desiccants in double pane glass window applications is old and well known in the art.

It would have been obvious to one of ordinary skill in the art to modify a window assembly having to parallel sheets of glass, such as that above, to include a desiccant material between the parallel sheets, as is old and well known in the art, to keep the panes of glass from fogging over.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (703) 305-7803. The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.